

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
NORVONNE FIELDS

**DEFENDANTS**

DIVERSIFIED COLLECTION SERVICES, INC.; and DOES 1-10, inclusive

(b) County of Residence of First Listed Plaintiff **COOK**  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **ALAMEDA**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

E filing

(c) Attorneys (Firm Name, Address, and Telephone Number)  
G. Thomas Martin, III (SBN 218456) PRICE LAW GROUP, APC  
15760 Ventura Blvd., #1100, Encino, CA 91436  
Telephone: (818) 907-2030

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury		<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud		<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending		<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage		<input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice			<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 893 Environmental Matters
<b>REAL PROPERTY</b>		<b>PROPERTY RIGHTS</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 899 Administrative Procedure
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 863 DIWC/DIW W (405(g))	Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 443 Housing/ Accommodations		<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment		<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			
	<input type="checkbox"/> 448 Education			
<b>CIVIL RIGHTS</b>		<b>LABOR</b>	<b>FEDERAL TAX SUITS</b>	
<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act		
<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 540 Mandamus & Other Civil Rights	<input type="checkbox"/> 751 Family and Medical Leave Act		
<input type="checkbox"/> 444 Amer. w/Disabilities - Employment	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation		
<input type="checkbox"/> 445 Amer. w/Disabilities - Other	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		
		<b>IMMIGRATION</b>		
		<input type="checkbox"/> 462 Naturalization Application		
		<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition)		
		<input type="checkbox"/> 465 Other Immigration Actions		

**V. ORIGIN** (Place an "X" in One Box Only)

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify)  6 Multidistrict Litigation

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 USC 1692**VI. CAUSE OF ACTION**Brief description of cause:  
Unlawful Debt Collection Practices**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DEMAND \$  
According to ProofCHECK YES only if demanded in complaint:  
JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2)**

(Place an "X" in One Box Only)

 SAN FRANCISCO/OAKLAND  SAN JOSE  EUREKA

DATE

06/09/2012

SIGNATURE OF ATTORNEY OF RECORD

(99)

1 G. Thomas Martin, III (SBN 218456)  
2 **PRICE LAW GROUP, APC**  
3 15760 Ventura Blvd., Suite 1100  
4 Encino, CA 91436  
5 Direct Dial: (818) 907-2030  
6 Fax: (818) 205-3730  
7 tom@plglawfirm.com  
8 Attorneys for Plaintiff,  
9 NORVONNE FIELDS

FILED Fee  
JUN 19 2012 P 2.  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND  
T 55  
8

10

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 C NORVONNE FIELDS,

14 Plaintiff,

15 VS.

16 DIVERSIFIED COLLECTION  
17 SERVICES, INC.; and DOES 1 to 10,  
18 inclusive,

19 Defendants.

20 Case No.: **C12-03147** JSC  
21 **COMPLAINT AND DEMAND FOR**  
22 **JURY TRIAL**

23 **(Unlawful Debt Collection Practices)**

24 **Demand Does Not Exceed \$10,000**

ADR

25 **COMPLAINT**

26 **INTRODUCTION**

27 1. This is an action for actual and statutory damages brought by plaintiff  
28 Norvonne Fields, an individual consumer, against defendant Diversified Collection  
Services, Inc., for violations of the Fair Debt Collection Practices Act, 15 U.S.C. §  
1692 *et seq.* (hereinafter “FDCPA”) and the Rosenthal Fair Debt Collection

1 Practices Act, Cal. Civ. Code §§ 1788 *et seq.* (hereinafter “RFDCPA”), which  
2 prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.  
3

### VENUE AND JURISDICTION

5 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d), Cal. Civ.  
6 Code §§ 1788.30, and 28 U.S.C. § 1331 and § 1337. Venue in this District is  
7 proper in that the Defendant transacts business here and the conduct complained of  
8 occurred here.  
9

### PARTIES

10 3. Plaintiff, Norvonne Fields is a consumer, a natural person allegedly  
11 obligated to pay any debt, residing in the state of Illinois.  
12

13 4. Defendant, Diversified Collection Services, Inc. is a corporation  
14 engaged in the business of collecting debt in this state with its principal place of  
15 business located in Alameda County at 333 North Canyons Parkway, Suite 100,  
16 Livermore, California 94551. The principal purpose of Defendant is the collection  
17 of debts in this state and Defendant regularly attempts to collect debts alleged to be  
18 due another.  
19

21 5. Defendant is engaged in the collection of debts from consumers using  
22 the mail and telephone. Defendant regularly attempts to collect consumer debts  
23 alleged to be due to another. Defendant is a “debt collector” as defined by the  
24 FDCPA, 15 U.S.C. § 1692a(6), and the Cal. Civ. Code § 1788.2.  
25  
26  
27  
28

## FACTS

6. Upon information and belief, within one year prior to the filing of this  
complaint, Defendant placed collection calls to Plaintiff, calls which displayed the  
intent to harass and annoy Plaintiff, seeking and demanding payment for an alleged  
consumer debt owed under an account number.

7. The debt that Defendant is attempting to collect on is an alleged  
obligation of a consumer to pay money arising out of a transaction in which the  
money, property, insurance or services which are the subject of the transaction are  
primarily for personal, family, or household purposes, whether or not such  
obligation has been reduced to judgment.

8. Upon information and belief, Defendant began contacting Plaintiff  
and placing collection calls to Plaintiff prior to June 4, 2012.

9. Upon information and belief, within one year prior to the filing of this  
complaint, Defendant continued to call Plaintiff's workplace, without Plaintiff's  
consent, after having already been given reason to know that such calls  
inconvenienced Plaintiff and/or were prohibited.

10. Upon information and belief, Defendant, within one year prior to the  
filing of this complaint, threatened to sue Plaintiff itself, and also to have her  
income taxes taken itself, when it cannot do either.

11. Defendant, during communications with Plaintiff, within one year from the filing of this complaint, did not state that Defendant was a debt collector, attempting to communicate a debt, and that any information would be used for that purpose.

12. As a result of the acts alleged above, Plaintiff suffered emotional distress resulting in Plaintiff feeling stressed, and embarrassed, amongst other negative emotions.

## COUNT I – FDCPA

13. Plaintiff repeats and realleges and incorporates by reference to the foregoing paragraphs.

14. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

(a) Defendant violated §1692f of the FDCPA by using unfair or unconscionable means in connection with the collection of an alleged debt; and

(b) Defendant violated §1692a(3) by calling Plaintiff's place of employment with knowledge or the reason to know that the consumer's employer prohibits the consumer from receiving such communication, without the prior consent of Plaintiff given

1 directly to Defendant or the express permission of a court of  
2 competent jurisdiction; and

3 (c) Defendant violated §1692d(5) of the FDCPA by causing Plaintiff's  
4 telephone to ring continuously with intent to annoy, abuse, or  
5 harass, the natural consequence of which was to harass, oppress  
6 and/or abuse Plaintiff; and

7 (d) Defendant violated §1692e(11) of the FDCPA by failing to  
8 disclose in the initial communication with the Plaintiff that the  
9 Defendant is attempting to collect a debt and that any information  
10 obtained will be used for that purpose and the communication was  
11 not a formal pleading; and

12 (e) Defendant violated §1692e(10) of the FDCPA by using false,  
13 deceptive, or misleading representation or means in connection  
14 with the collection of Plaintiff's alleged debt; and

15 (f) Defendant violated §1692e(5) of the FDCPA by threatening to take  
16 action that it did not intend to take.

17 15. As a result of the foregoing violations of the FDCPA, Defendant is  
18 liable to the plaintiff Norvonne Fields for actual damages, statutory damages, and  
19 costs and attorney fees.

**COUNT II – RFDCPA**

16. Plaintiff repeats and realleges and incorporates by reference the  
foregoing paragraphs.

17. Defendant violated the Rosenthal Fair Debt Collection Practices Act  
("RFDCPA"). Defendant's violations include, but are not limited to the following:

- (a) Defendant violated §1788.11(b) of the RFDCPA by placing telephone calls without disclosure of the caller's identity; and
- (b) Defendant violated §1788.12(a) of the RFDCPA by communicating to Plaintiff's employer regarding Plaintiff's alleged debt for purposes not concerning verifying debtor's employment, locating the debtor, or attempting to affect post-judgment garnishment of Plaintiff's wages; and
- (c) Defendant violated §1788.13(j) of the RFDCPA by falsely representing that a legal proceeding would be instituted; and
- (d) Defendant violated §1788.17 of the RFDCPA by being a debt collector collecting or attempting to collect a consumer debt that is not compliant with the provisions of Sections 1692b to 1692j of the FDCPA, the references to federal codes in this section referring to those codes as they read as of January 1, 2001.

1           18. Defendant's acts as described above were done intentionally with the  
2 purpose of coercing Plaintiff to pay the alleged debt.

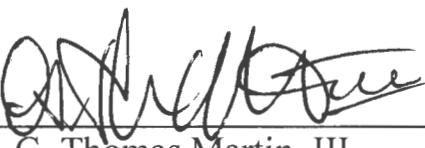
3           19. As a result of the foregoing violations of the RFDCPA, Defendant is  
4 liable to the plaintiff Norvonne Fields for actual damages, statutory damages, and  
5 costs and attorney fees.

6  
7 WHEREFORE, Plaintiff respectfully requests that judgment be entered against  
8 defendant Diversified Collection Services, Inc. for the following:

9  
10           A. Actual damages.  
11  
12           B. Statutory damages pursuant to 15 U.S.C. § 1692k.  
13  
14           C. Statutory damages pursuant to Cal. Civ. Code § 1788.30.  
15  
16           D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and  
17           Cal. Civ. Code § 1788.30.  
18  
19           E. For such other and further relief as the Court may deem just and proper.

20  
21           RESPECTFULLY SUBMITTED,

22  
23           PRICE LAW GROUP APC

24  
25  
26  
27  
28           By: 

G. Thomas Martin, III  
Attorney for Plaintiff

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, NORVONNE FIELDS demands trial by jury in this action.